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9 UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF ) Case No. CR 05-889-RSWL  
12 AMERICA, )  
13 Plaintiff, ) ORDER RE: REDUCTION OF  
14 v. ) SENTENCE PURSUANT TO 18  
15 IRENE RAMIREZ NUCAMENDI, ) U.S.C. § 3582(C)(2) FOR  
16 Defendant. ) DEFENDANT IRENE RAMIREZ  
NUCAMENDI  
)

17 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED,**  
18 pursuant to 18 U.S.C. § 3582(c)(2) and § 1B1.10 of the  
19 sentencing guidelines (as effective March 3, 2008),  
20 that defendant's sentence shall be reduced from 70  
21 months to 57 months.

22 **IT IS FURTHER ORDERED** that this Order shall be void  
23 and without effect if, at any time prior to defendant's  
24 release, either the Sentencing Commission or Congress  
25 takes action that renders Amendment 706 to the  
26 sentencing guidelines no longer retroactive in  
27 application.

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1       The Court recognizes that, based on the applicable  
2 case law, a hearing is not necessary in order to reduce  
3 defendant's sentence under 18 U.S.C. § 3582(c)(2).  
4 See, e.g., Anderson v. United States, 241 Fed. Appx.  
5 625, 629 (11th Cir. July 18, 2007) (unpublished)  
6 ("Under Federal Rule of Criminal Procedure 43(b)(4), a  
7 defendant's presence at a § 3582(c) sentence correction  
8 proceeding is not required") (emphasis in original);  
9 United States v. Legree, 205 F.3d 724, 730 (4th Cir.  
10 2000) ("a judge need not hold a hearing when  
11 considering a Section 3582 motion"); United States v.  
12 Tidwell, 178 F.3d 946, 949 (7th Cir. 1999) (same,  
13 noting that "a proceeding under 18 U.S.C. § 3582(c) is  
14 not a do-over of an original sentencing proceeding  
15 where a defendant is cloaked in rights mandated by  
16 statutory law and the Constitution"); United States v.  
17 Whitebird, 55 F.3d 1007, 1011 (5th Cir. 1995) (limited  
18 scope of a Section 3582 proceeding, which is "not a  
19 second opportunity to present mitigating factors to the  
20 sentencing judge" but "is simply a vehicle through  
21 which appropriately sentenced prisoners can urge the

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1 court to exercise leniency to give certain defendants  
2 the benefits of an amendment to the Guidelines").

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4 **IS SO ORDERED.**

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7 **HONORABLE RONALD S.W. LEW**

8 Senior, U.S. District Court Judge  
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11 DATE: April 30, 2008  
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